

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 61st LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chairman Ron Stoker, on April 17, 2009 at 9:00
A.M., in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Ron Stoker, Chairman (R)
Rep. Deborah Kottel, Vice Chairman (D)
Rep. Ken Peterson, Vice Chairman (R)
Rep. Arlene Becker (D)
Rep. Gerald Bennett (R)
Rep. Anders Blewett (D)
Rep. Robyn Driscoll (D)
Rep. Bob Ebinger (D)
Rep. David Howard (R)
Rep. Margaret MacDonald (D)
Rep. Edith (Edie) McClafferty (D)
Rep. Mike Menahan (D)
Rep. Michael More (R)
Rep. Keith Regier (R)
Rep. Diane Sands (D)
Rep. Bob Wagner (R)
Rep. Wendy Warburton (R)

Members Excused: None

Members Absent: Rep. Krayton Kerns (R)

Staff Present: Jennifer Eck, Committee Secretary
David Niss, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HJ 40, 4/15/2009

Executive Action: HR 3; HJ 40

EXECUTIVE ACTION ON HR 3

00:01:37 **Motion:** Rep. Peterson moved that **HR 3 BE ADOPTED.**

00:01:43 Chairman Stoker

00:02:12 Rep. Warburton

00:02:18 Chairman Stoker

00:02:19 **Motion:** Rep. Warburton moved that **HR 3 BE AMENDED.**

EXHIBIT(juh82b01)

Discussion:

00:02:27 Chairman Stoker

00:02:50 Rep. Warburton

00:03:59 Chairman Stoker

00:04:06 Rep. MacDonald

00:04:12 Chairman Stoker

00:04:14 Rep. MacDonald

00:04:28 Rep. Warburton

00:04:40 Rep. MacDonald

00:04:42 Chairman Stoker

00:05:01 Recess

00:06:50 Reconvene

00:06:50 Chairman Stoker

00:06:59 Rep. Warburton

00:07:32 Chairman Stoker

00:07:36 Rep. More

00:07:59 Rep. Stoker

00:08:10 Rep. Bennett called the question.

00:08:12 Chairman Stoker

00:08:15 **Vote:** Motion carried 16-2 by voice vote with Rep. Menahan and Rep. Driscoll voting no. Rep. Kerns voted by proxy.

00:08:29 Chairman Stoker

00:08:58 Rep. Kottel

00:09:03 **Motion:** Rep. Peterson moved that **HR 3 BE ADOPTED AS AMENDED.**

00:09:11 **Motion:** Rep. Kottel moved that **HR 3 BE AMENDED.**

EXHIBIT(juh82b02)

Discussion:

00:09:22 Chairman Stoker
00:09:24 Rep. Kottel
00:14:23 Rep. Sands
00:15:20 Rep. Kottel
00:15:32 Rep. Sands
00:15:37 Chairman Stoker
00:16:03 Rep. Wagner
00:16:16 Chairman Stoker
00:16:18 Rep. More
00:18:04 Rep. Wagner
00:18:11 Rep. Kottel
00:18:11 Rep. Wagner
00:18:25 Chairman Stoker
00:18:33 Rep. Kottel
00:18:35 Rep. Wagner
00:20:58 Rep. Kottel
00:23:50 Rep. Wagner
00:28:18 Chairman Stoker
00:28:22 Rep. Howard

00:31:18 **Substitute Motion/Vote:** Rep. Peterson made a substitute motion **TO SEGREGATE AMENDMENT 3** (refer to Exhibit 2). Substitute motion carried 17-1 by voice vote with Rep. Driscoll voting no. Rep. Kerns voted by proxy.

00:32:33 Chairman Stoker

00:32:51 **Motion:** Rep. Peterson moved that **HR 3 BE AMENDED** (refer to Exhibit 2, Amendment 3).

Discussion:

00:33:11 Chairman Stoker
00:33:19 Rep. More
00:34:29 Chairman Stoker
00:34:05 Rep. Peterson called the question.
00:34:05 Chairman Stoker
00:34:20 Rep. Becker
00:34:25 Chairman Stoker
00:34:40 Rep. Kottel
00:34:57 Rep. Peterson
00:35:28 Chairman Stoker

00:36:09 **Vote:** Motion carried 15-3 by roll call vote with Rep. Bennett, Rep. More, and Rep. Wagner voting no. Rep. Kerns voted by proxy.

00:37:03 **Motion:** Rep. Peterson moved that **HR 3 BE AMENDED**
(refer to Exhibit 2, Amendments 1, 2, 4, 5, and 6).

Discussion:

00:37:18 Chairman Stoker
00:37:44 Rep. Warburton
00:37:53 Chairman Stoker
00:37:57 Rep. Warburton
00:38:45 Rep. Kottel
00:40:21 Chairman Stoker
00:40:27 Rep. Bennett
00:40:34 Chairman Stoker
00:40:36 Rep. Bennett
00:41:00 Rep. Kottel
00:41:08 Chairman Stoker
00:41:10 Rep. Kottel
00:41:15 Rep. Peterson called the question.
00:41:15 Rep. Kerns joined the meeting.
00:41:24 Chairman Stoker

00:41:36 **Vote:** Motion carried 17-1 by voice vote with Rep.
Wagner voting no.

00:41:52 **Motion:** Rep. Peterson moved that **HR 3 BE ADOPTED AS**
AMENDED.

Discussion:

00:42:01 Chairman Stoker
00:42:22 Rep. Bennett
00:42:37 Chairman Stoker
00:42:39 Rep. Peterson called the question.
00:42:42 Rep. More
00:44:54 Chairman Stoker
00:45:09 Rep. Blewett
00:47:15 Chairman Stoker
00:47:17 Rep. Menahan
00:49:03 Rep. Peterson called the question.
00:49:05 Chairman Stoker

00:49:21 **Vote:** Motion carried 11-7 by roll call vote with Rep.
Sands, Rep. MacDonald, Rep. Ebinger, Rep. Driscoll,
Rep. McClafferty, Rep. Blewett, and Rep. Menahan voting
no.

00:50:26 Chairman Stoker

00:50:44 Recess

01:09:09 Reconvene

HEARING ON HJ 40

01:09:09 Chairman Stoker

Opening Statement by Sponsor:

01:09:13 Rep. Mike Menahan (D), HD 82, opened the hearing on HJ 40, Study listing marijuana as a controlled substance.

01:15:52 Chairman Stoker

Proponents' Testimony:

01:16:31 Annalivia Harris, Crime Lab in Missoula

01:19:07 Chairman Stoker

Questions From Committee:

01:19:42 Rep. Sands
01:19:59 Ms. Harris
01:21:58 Rep. Sands
01:22:12 Ms. Harris
01:23:04 Rep. Sands
01:23:08 Chairman Stoker
01:23:12 Rep. Sands
01:23:36 Ms. Harris
01:24:30 Chairman Stoker
01:24:35 Rep. Wagner
01:24:56 Ms. Harris
01:24:56 Rep. Wagner
01:25:10 Ms. Harris
01:25:36 Chairman Stoker
01:25:59 Ms. Harris
01:26:11 Chairman Stoker
01:26:25 Ms. Harris
01:26:32 Chairman Stoker
01:26:52 Ms. Harris
01:26:54 Chairman Stoker

Proponents' Testimony:

01:27:02 Tom Daubert, Director, Patients and Families United
01:35:30 Chairman Stoker

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

01:35:50 Rep. Warburton
01:36:12 Rep. Menahan
01:36:34 Rep. Warburton
01:36:38 Rep. Menahan

Closing by Sponsor:

01:36:42 Rep. Menahan
01:36:51 Chairman Stoker
01:36:55 Rep. Menahan

01:38:57 Chairman Stoker

EXECUTIVE ACTION ON HJ 40

01:39:10 **Motion:** Rep. Peterson moved that **HJ 40 DO PASS.**

Discussion:

01:39:18 Rep. Sands
01:39:46 Chairman Stoker
01:39:53 Rep. Blewett
01:39:55 Rep. Menahan
01:39:57 Rep. Blewett
01:40:08 Rep. Menahan
01:40:54 Rep. Peterson
01:41:17 Chairman Stoker
01:41:18 Rep. Peterson
01:41:46 Chairman Stoker
01:41:50 Rep. Ebinger
01:42:40 Chairman Stoker
01:42:44 Rep. Peterson called the question.
01:42:47 Rep. Regier
01:43:08 Chairman Stoker

01:43:10 **Vote:** Motion carried 12-6 by roll call vote with Rep. Peterson, Rep. Kerns, Rep. Bennett, Rep. Regier, Rep. Howard, and Rep. Warburton voting no.

01:43:58 Chairman Stoker

ADJOURNMENT

01:44:16 Adjournment

Jennifer Eck, Secretary

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Additional Documents:

EXHIBIT ([juh82bad.pdf](#))